

Message

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**From:** Zapata, Cesar [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C7735F31F6794178B56F6A03E2BC21FF-ZAPATA, CESAR]  
**Sent:** 5/28/2019 8:42:26 PM  
**To:** Myers, Bryan [Myers.Bryan@epa.gov]  
**Subject:** Re: desk statement: 404 assumption (DRAFT)

Bryan,

I'm ok with it but I forwarded this to Jeaneanne to make sure she is ok with it.

César A. Zapata  
Deputy Director  
Water Protection Division  
United States Environmental Protection Agency, Region 4

On May 28, 2019, at 4:22 PM, Myers, Bryan <[Myers.Bryan@epa.gov](mailto:Myers.Bryan@epa.gov)> wrote:

Would you be ok with this response:

## Ex. 5 Deliberative Process (DP)

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**From:** Zapata, Cesar  
**Sent:** Tuesday, May 28, 2019 3:34:40 PM  
**To:** Myers, Bryan  
**Subject:** FW: desk statement: 404 assumption (DRAFT)

I understand Jeaneanne talked to you. Let me know if you have any questions.

César A. Zapata

Deputy Director

Water Division

United States Environmental Protection Agency, Region 4

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**From:** McGill, Thomas  
**Sent:** Tuesday, May 28, 2019 1:23 PM  
**To:** Zapata, Cesar <[Zapata.Cesar@epa.gov](mailto:Zapata.Cesar@epa.gov)>  
**Cc:** Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>  
**Subject:** FW: desk statement: 404 assumption (DRAFT)

Cesar – Below is a desk statement for assumption that I believe was drafted at a high level, and from my perspective it remains relatively up to date. Tom

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**From:** McGill, Thomas  
**Sent:** Tuesday, September 4, 2018 1:30 PM  
**To:** Lincoln, Larry <[Lincoln.Larry@epa.gov](mailto:Lincoln.Larry@epa.gov)>; Walker, Mary <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>; Gettle, Jeaneanne <[Gettle.Jeaneanne@epa.gov](mailto:Gettle.Jeaneanne@epa.gov)>  
**Cc:** Harris-Young, Dawn <[Harris-Young.Dawn@epa.gov](mailto:Harris-Young.Dawn@epa.gov)>; Bragan, Mary Jo <[Bragan.Maryjo@epa.gov](mailto:Bragan.Maryjo@epa.gov)>; Zapata, Cesar <[Zapata.Cesar@epa.gov](mailto:Zapata.Cesar@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Purify, Johnnie <[Purify.Johnnie@epa.gov](mailto:Purify.Johnnie@epa.gov)>  
**Subject:** RE: desk statement: 404 assumption (DRAFT)

Larry and Dawn – Please see the suggested edits below in red text. I also understand that OW staff will be following-up with Allison Dennis regarding the language below regarding the 2<sup>nd</sup>-to-last bullet on rulemaking. If you have any questions please let me know. Tom

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**From:** Lincoln, Larry  
**Sent:** Monday, September 3, 2018 10:15 AM  
**To:** Walker, Mary <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>; Gettle, Jeaneanne <[Gettle.Jeaneanne@epa.gov](mailto:Gettle.Jeaneanne@epa.gov)>; McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>  
**Cc:** Harris-Young, Dawn <[Harris-Young.Dawn@epa.gov](mailto:Harris-Young.Dawn@epa.gov)>  
**Subject:** Rae: desk statement: 404 assumption (DRAFT)

All,

Allison Dennis of OW contacted me on Friday regarding 404 assumption to coordinate and provide information in anticipation of Florida's filing.

Please see first draft of initial desk statement below which incorporates information OW provided to the White House along with input from WPD (lot of WH interest).

OW is discussing next steps which will likely include a press release from either HQ or the region once we complete review of the FDEP package.

Sent from my iPhone

Begin forwarded message:

**From:** "Lincoln, Larry" <[Lincoln.Larry@epa.gov](mailto:Lincoln.Larry@epa.gov)>  
**Date:** August 31, 2018 at 3:09:51 PM EDT  
**To:** "Dennis, Allison" <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>  
**Subject:** RE: desk statement: 404 assumption (DRAFT)

Allison,

Here's a first draft.

## Ex. 5 Deliberative Process (DP)

## **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

*Larry*

Director

Office of External Affairs

U.S. Environmental Protection Agency, Region 4

Phone: (404) 562-8304

Email: [lincoln.larry@epa.gov](mailto:lincoln.larry@epa.gov)

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And Facebook: [www.facebook.com/eparegion4](https://www.facebook.com/eparegion4)

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**From:** Lincoln, Larry

**Sent:** Thursday, August 30, 2018 11:49 AM

**To:** Dennis, Allison <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>

**Subject:** FW: desk statement: 404 assumption

FYI

Larry

Director

Office of External Affairs

U.S. Environmental Protection Agency, Region 4

Phone: (404) 562-8304

Email: [lincoln.larry@epa.gov](mailto:lincoln.larry@epa.gov)

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**From:** Harris-Young, Dawn  
**Sent:** Thursday, August 23, 2018 9:01 AM  
**To:** Lincoln, Larry <[Lincoln.Larry@epa.gov](mailto:Lincoln.Larry@epa.gov)>  
**Subject:** FW: desk statement: 404 assumption

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**From:** McGill, Thomas  
**Sent:** Wednesday, August 22, 2018 10:39 PM  
**To:** Harris-Young, Dawn <[Harris-Young.Dawn@epa.gov](mailto:Harris-Young.Dawn@epa.gov)>; Bragan, Mary Jo <[Bragan.Maryjo@epa.gov](mailto:Bragan.Maryjo@epa.gov)>  
**Subject:** desk statement: 404 assumption

Dawn – I spoke with Jeaneanne, and she emphasized with all of the various moving pieces a parts on 404 assumption, it is not critical that we have a desk statement on 404 assumption until FDEP has submitted their package, which will

not occur prior to Sep 1. In the meantime, here is some basic information regarding where we are at this time.

The Clean Water Act section 404 authorizes the Corps of Engineers to administer the permitting program for the discharges of dredge or fill material. The Clean Water Act also provides States and Tribes the ability to assume the authority to administer this permitting program, subject to the approval by the EPA. For any State or Tribe that is interested in exploring or pursuing assumption of the 404 program, the EPA will prioritize giving technical support to such States or Tribes to develop a program consistent with federal requirements. The State of Florida has notified the EPA of their interest in pursuing 404 assumption, and accordingly EPA has been answering questions and providing information to assist the State with developing a program to be consistent with federal requirements. Upon receipt of an official submission from Florida requesting assumption of the 404 program, the EPA will review and take action on such a submission consistent with the Clean Water Act and its implementing regulations.

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**From:** Harris-Young, Dawn  
**Sent:** Wednesday, August 22, 2018 12:25 PM  
**To:** McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>  
**Subject:** Examples - Desk statements

Attached.

Dawn Harris Young

Public Affairs Specialist

U.S. Environmental Protection Agency, Region 4

Office of External Affairs

404-562-8421 (office)

[harris-young.dawn@epa.gov](mailto:harris-young.dawn@epa.gov)

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